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HUMAN RIGHTS OF INDIGENOUS PEOPLES

Report of the Working Group on Indigenous Populations on its eighteenth session

(Geneva, 24-28 July 2000)

Chairperson-Rapporteur: Mr. Miguel Alfonso Martinez

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* This annex is circulated as received by the secretariat, in English only.

Introduction

Mandate

1. The creation of the Working Group on Indigenous Populations was proposed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 2 (XXXIV) of 8 September 1981, endorsed by the Commission on Human Rights in its resolution 1982/19 of 10 March 1982, and authorized by the Economic and Social Council in its resolution 1982/34 of 7 May 1982. In that resolution the Council authorized the Sub-Commission to establish annually a Working Group to meet in order to:

(a) Review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous populations, including information requested by the Secretary-General annually from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status, particularly those of indigenous peoples, to analyse such materials, and to submit its conclusions and recommendations to the Sub-Commission, bearing in mind inter alia the conclusions and recommendations contained in the report of the Special Rapporteur of the Sub-Commission, Mr. José R. Martínez Cobo, entitled "Study of the problem of discrimination against indigenous populations" (E/CN.4/Sub.2/1986/7 and Add.1-4);

(b) Give special attention to the evolution of standards concerning the rights of indigenous populations, taking into account both the similarities and the differences in the situations and aspirations of indigenous populations throughout the world.

2. Due to its comprehensive terms of reference, in addition to the review of developments and the evolution of standards, which are separate items on the Working Group's agenda, the Working Group has over the years considered a number of other substantial issues relating to indigenous peoples. In the light of the recommendation made by the Working Group at its seventeenth session (E/CN.4/Sub.2/1999/19, para. 194), the following items were added and included in the provisional agenda for the eighteenth session: Review of developments - general statements, including land issues, education and health, standard-setting activities, including a review of indigenous peoples' relationship with natural resources, energy and mining companies, International Decade of the World's Indigenous People, World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and Other matters. The principal theme of the eighteenth session would be: "Indigenous children and youth".

3. In its resolution 1999/20, the Sub-Commission requested the Secretary-General to prepare an annotated agenda for the eighteenth session of the Working Group.

I ORGANIZATION OF THE WORK OF THE SESSION

A Attendance

4 In its decision 1999/116, the Sub-Commission decided on the following composition of the Working Group at its eighteenth session Mr Miguel Alfonso Martinez, Ms Erica-Irene Daes, Mr El-Hadji Guissé, Ms Iulia Antoanella Motoc and Mr Yozo Yokota The session was attended by Mr Alfonso Martinez, Ms Daes, Mr Guissé, and Ms Motoc Mr Yokota was unable to attend the public meetings, but participated in the review and adoption of the report

5 Mr Miguel Alfonso Martinez was elected Chairperson-Rapporteur at the 6th meeting of the eighteenth session after a compromise, without objections (see para 9)

6 The Working Group was attended by representatives of 45 Member States, 6 United Nations bodies and specialized agencies and 248 indigenous and non-governmental organizations A total of 1,027 persons attended the eighteenth session of the Working Group The list of participating States and organizations is contained in annex I

B Documentation

7 A number of documents were made available for the eighteenth session of the Working Group The full list of the documentation is available in annex II of the present report

C Opening of the session

8 A representative of the Office of the High Commissioner for Human Rights opened the eighteenth session of the Working Group on Indigenous Populations She said that the Working Group had become one of the highlights of the United Nations human rights programme and was especially important as a meeting place for the world's indigenous peoples The representative stated that the theme of this year's Working Group, "Indigenous children and youth", was a very important issue She underlined that children's rights were also a priority for the Office of the High Commissioner for Human Rights, as was the issue of indigenous peoples Finally, she wished the participants a successful session

D Election of officers

9 The members of the Working Group decided to postpone the election of the Chairperson-Rapporteur until the 6th meeting of the Working Group Meanwhile, the meeting was chaired by the Chairperson-Rapporteur of the seventeenth session of the Working Group, Ms Erica-Irene A Daes At the 6th meeting, Mr Miguel Alfonso Martinez was elected Chairperson-Rapporteur of the eighteenth session

10 In her opening statement, the Chairperson-Rapporteur of the seventeenth session welcomed the participants to the eighteenth session of the Working Group She looked back at some of the achievements of the Working Group over the years the creation of the Voluntary

Funds for Indigenous Populations and the International Decade of the World's Indigenous People, the elaboration of the draft United Nations declaration on the rights of indigenous peoples, and the drafting of a number of studies, working papers and reports on complex issues of indigenous concern. She also referred to the work done by the Working Group concerning the establishment of a permanent forum and welcomed the decision of the Commission on Human Rights to establish the Permanent Forum on Indigenous Issues. With regard to the World Conference against Racism, Racial Discrimination Xenophobia and Related Intolerance in 2001 she emphasized that indigenous peoples should be present and should become closely involved in the preparatory process.

E. Adoption of the agenda

11. At its first meeting, the Working Group adopted by consensus the provisional agenda (E/CN.4/Sub.2/AC.4/2000/1) with the proviso that item 1, Election of officers, would be postponed until the 6th meeting.

12. The Working Group held 11 public meetings during its eighteenth session, of which one was an extended meeting.

F. Adoption of the report

13. The report of the Working Group on Indigenous Populations on its eighteenth session was adopted on 7 August 2000.

II. REVIEW OF DEVELOPMENTS PERTAINING TO THE PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF INDIGENOUS PEOPLES: INDIGENOUS CHILDREN AND YOUTH

14. The Chairperson-Rapporteur, in introducing item 4, highlighted the importance of the central theme of the Working Group, "Indigenous children and youth". She referred to the many issues that were linked to this central theme, such as poverty, health and land issues. She also referred to the important NGO workshop on indigenous children and youth that had taken place at the Palais des Nations from 19 to 21 July.

15. Over 120 statements were made under this agenda item. Indigenous children and youth were said to represent the future of indigenous peoples around the world and should therefore be at the heart of strategies to preserve the cultural diversity of humanity. Generations of indigenous peoples have been struggling to maintain their cultures, traditions, knowledge and values and to pass these on to their children. It was recognized that the issues facing indigenous children and youth had been accorded scant attention in the past and that the present discussion would hopefully contribute to remedying that situation.

16. Mr. Jaap Doek, Rapporteur of the Committee on the Rights of the Child, provided information on the work of the Committee and the contents of the Convention on the Rights of the Child. He described the Convention as a unique and powerful human rights instrument, given that it had attracted almost universal ratification and reaffirmed the indivisibility and

interdependence of all human rights. Although the Convention awaited ratification by the United States of America and Somalia, Mr. Doek spoke of the moral obligations upon the United States to refrain from taking measures which would negatively affect the situation of indigenous children in that country. He appealed for the participation of indigenous peoples in the work of the Committee on the Rights of the Child, particularly in its pre-sessional working group, by providing written and oral information on the issues facing indigenous children and recommendations to improve their situation. He explained that indigenous children should enjoy all the rights under the Convention, and in addition were entitled to special measures to protect their culture, language and religion under the provisions of its article 30.

17. Mr. Guissé questioned the effectiveness of the Convention not only in improving the situation of children, given that poverty and discrimination persisted, but also in meeting the claims of cultural specificity.

18. The observer for UNICEF spoke of the daily violations of the rights of indigenous youth and children which were grounded in discriminatory practices. The Convention on the Rights of the Child required the root causes of disparity and disadvantage to be tackled, and the collection of disaggregated data was one tool which would assist in better targeting strategies for indigenous children, particularly with respect to their access to social services such as health and education. Also of concern to UNICEF was that indigenous children and young people were at greater risk of abuse and exploitation, including at the hands of government agencies, where the provisions of the Convention were not implemented. Additionally, UNICEF encouraged indigenous children and young people to participate in the formulation and implementation of programmes affecting them.

Identity, name and registration

19. For the Sami Youth Council, cooperation between the Sami in Norway, Sweden, Finland and the Russian Federation was essential for developing the Sami culture, language and way of life. In order to further strengthen Sami identity, it was suggested that the four countries consider studying the issue of removing obstacles to full cooperation between Sami youth.

20. A representative of the Indigenous Peoples and Nations Coalition reported that the Alaska Native Claims Settlement Act did not recognize indigenous children born after 18 December 1971, the date of its signing, and that these indigenous children and youth faced a legacy of termination of their rights.

21. A representative of the Amazigh people of Morocco spoke about the detrimental effects of Arabization on the Amazigh culture and language. Amazigh people were unable to register their children with non-Arabic names, and the names of streets, villages and rivers were being changed to Arabic names.

22. The indigenous representative of the Assyrian people stated that it was increasingly dangerous to teach Assyrian children their traditions, culture and religion. Assyrian children were not permitted to identify themselves as Assyrians, nor to have an Assyrian name.

Poverty

23. Most indigenous representatives spoke of the poverty and lower standard of living endured by indigenous peoples. For example, the indigenous representative of the Indian Movement "Tupaj Amaru" stated that 20 per cent of the world population lived in poverty; this figure rose to 80 per cent in rural areas where the majority population was indigenous. In the case of Latin America and the Caribbean region that figure was 61 per cent. The representative expressed the view that the current international economic order was unjust and not sustainable.

24. The observer for the World Bank recognized the strong linkage between ethnicity and poverty. He stressed the importance of investment in education, especially bilingual and inter-cultural education, for boys and girls, in addressing the poverty of indigenous peoples.

25. An indigenous representative from Guatemala said that indigenous children in that country were the victims of poverty and war, which had left many wounds in young Mayan people. These factors contributed to low incomes and unemployment and poor families, which had an impact on the children's future.

26. The indigenous representative of the Institute of Northern Indigenous Peoples' Problems spoke about the adverse effects of the economic crisis in the Russian Federation which had led to loss of employment, low educational attainment and the lowering of the population's health status. The higher costs of medicine was pointed out.

27. The representative of the Association of the Shor People also drew attention to the continual cuts in the budgets of social services as a consequence of the economic situation affecting the Russian Federation.

Health, well-being and survival

28. Poor health services and lack of health education were cited as serious problems affecting indigenous children and youth. Too many infants and young people were dying of common diseases. It was strongly recommended that health-care systems be made accessible, culturally appropriate and adequately resourced.

29. The indigenous representative of the Metis Nation requested that educational programmes for indigenous health professionals be implemented as a matter of priority. As provided for in article 24 of the Convention on the Rights of the Child, environmental degradation and pollution were an integral facet of the health and well-being of indigenous peoples and had to be addressed.

30. An indigenous representative from the International Indian Treaty Council drew the attention of the Working Group to the impact of toxic contamination by persistent organic pollutants (POPs) and other industrially produced toxins on the health of indigenous children. High levels of residues of POPs were detected in the blood, fat and breastmilk of indigenous people and were also being passed through the placenta to unborn children.

31 Deforestation of land had led to the loss of traditional medicinal plants and to increased mortality of the Batwa people. The indigenous representative of the Laikipa Maasai stated that drought was currently ravaging the community, causing food insecurity and raising malnutrition levels. Health services were neither accessible nor adapted to the way of life of pastoralists. Moreover, female genital mutilation was still practised, causing trauma for girls and putting their health at risk.

32 Indigenous children and youth were highly vulnerable to HIV/AIDS infection. Teenage pregnancy was also a problem. The development of culturally appropriate reproductive health education, including to combat HIV/AIDS and sexually transmitted diseases (STDs), was called for.

33 Health status differences between indigenous and non-indigenous people were illustrated. The statistics conveyed by the Australian Indigenous Doctors Association showed that sudden infant death syndrome (SIDS) accounted for 25 per cent of all deaths in the indigenous infant population; the infant mortality rates were five times higher for indigenous than non-indigenous; indigenous childhood mortality rates were four times higher than for the non-indigenous population; and indigenous women accounted for 30 per cent of pregnancy-related deaths.

34 The observer for Canada informed the Working Group that aboriginal children were twice as likely to be born prematurely, underweight, or die within the first year of life; three times more likely to be physically disabled; 15 to 38 times more likely to suffer from the effects of foetal alcohol syndrome; three to four times more likely to suffer from SIDS; and six times more likely to die from injury, poisoning or violence. To meet the special needs for health services special programmes had been established including the Aboriginal Head Start Programme, the Prenatal Nutrition Programme and the Foetal Alcohol Effect Strategy, which had earmarked funds for First Nations and Inuit.

35 The representative of the Bawm Indigenous Peoples Organization stated that in the Chittagong Hill Tracts 45 per cent of the children suffered from malnutrition, and that there was one doctor for 15,000 people.

36 Several representatives of indigenous peoples spoke of the need to create greater opportunities for children and youth to adopt a healthy lifestyle and to benefit from sporting and other recreational activities.

Suicide

37 Many indigenous representatives referred to the high level of suicide among indigenous youth, including its relationship to the lack of prospects for young people. For example, according to information provided by the observer for Canada aboriginal children were five times more likely to take their own life.

Substance abuse - drugs and alcohol

38 Several indigenous representatives spoke about the high levels of drug and alcohol abuse by indigenous youth. In this respect, an indigenous representative from the Russian Federation

drew attention to the negative impact of alcohol abuse within the family and the need for particular measures to counteract this serious problem. Drug addiction was also said to be on the increase in these communities.

39. Indigenous Hawaiian youth made up a disproportionate 40 per cent of all arrests for drug and alcohol possession in Hawaii, said an indigenous representative speaking on behalf of Protect our Native 'Ohana.

Education

40. Difficulties in accessing education were raised, particularly where communities were remote. The affordability of education was another major issue, especially where education was neither free of charge nor compulsory. The disparities between the situation of girls and boys in the field of education were also highlighted, especially the higher illiteracy rates of females. The insufficiency of educational services and facilities was often pointed out. Other barriers to education included the high costs of education, including for tuition, textbooks and other materials.

41. A number of indigenous representatives, including the representative of the Maasai in Kenya, spoke of the important role education played in ensuring that indigenous peoples were able to assert their rights and defend their way of life. Without education indigenous people were unable to defend their lands and rights, and this had made them vulnerable to exploitation, marginalization and the continuing dispossession of their land.

42. Indigenous representatives spoke of the need for multicultural, multi-ethnic and multilingual education. The indigenous representative of the Sami suggested that intolerance could be combated by educating non-Samis about the Sami culture, the full history of colonization and the reality of the Sami in contemporary society. The need for such information to be accurate and unbiased was highlighted.

43. It was claimed that Amazigh children were being deprived of their right to information as programmes of the mass media were not produced in their languages.

44. The view was expressed that indigenous peoples should be actively involved in the management of educational institutions and in the development of curricula, especially history curricula. In this regard, the indigenous representative of the Jumma people said that indigenous culture, history and social norms had not been accurately reflected in school textbooks. The indigenous representative of the people of Okinawa referred to the lack of an accurate portrayal of the history of his people in textbooks and of the denial of the right to study Okinawan history, practise Okinawan culture and to speak their language.

45. The observer for Chile provided information on policies undertaken by his Government for indigenous children and youth, in particular in the areas of bilingual and other forms of education. He made recommendations concerning indigenous children at the international level. These included the design of policies and programmes specifically focusing on indigenous children and cultural identity. For example, this year more than 18,000 grants had been provided

to indigenous children and youth to enable them to have access to the Chilean education system. He maintained that bilingual education was a means of combating discrimination and poverty.

46. The representative of OPIAC in Colombia underlined the importance of ethno-education allowing indigenous children to acquire knowledge about indigenous societies. She also stressed the importance of teaching in indigenous languages.

47. The establishment of schooling suited to the nomadic lifestyle was recommended, including by the indigenous representative of the Hadzabe people. Provision of vocational training for indigenous children and youth was also described as an urgent need.

48. Indigenous representatives spoke of the discrimination faced by indigenous children and youth in the educational system where they were often depicted as backward, uncivilized and ignorant.

49. Several indigenous representatives referred to the importance of teaching children native laws as well as international human rights law.

50. Several indigenous representatives underlined that fact that their children had to attend boarding schools and the lack of provision in such schools for the teaching of indigenous peoples' traditions, culture and even language.

51. A representative of the Shor people told the Working Group of her work in a boarding school where many children were orphans and from poverty-stricken backgrounds. The children often became involved in theft, vagrancy and drunkenness and the school had to pay the fines incurred, all of which had a negative impact on teaching standards. The representative called for the setting up of a national school where all teachers would be required to speak Shor and traditional food would be served, as a survey in 1999 had shown that every child in the boarding school suffered from at least one chronic condition.

52. An indigenous representative from Bolivia said that the average illiteracy rate in his country was 20 per cent whereas 50 per cent of indigenous women were illiterate. The indigenous representative of the Bambuti-Batwa of the Democratic Republic of the Congo estimated that only 0.5 per cent of his people were literate. Indigenous representatives of the Batwa requested the support of international organizations in providing education to their people. The indigenous representative of the Adibasi stated that the literacy rate among her people was 5 per cent.

53. The observer for Canada stated that the gap in enrolment rates and performance had been narrowing, although the need for more progress was recognized. Reference was made to various programmes initiated and to the Mi'kmaq Education Act which had transferred legislative and administrative jurisdiction for education to nine First Nations in Nova Scotia to enable them to develop education systems and institutions to preserve and respect Mi'kmaq culture.

54. The indigenous representative of the Interior Alliance of Canada stated that a huge gap existed in the resources provided for First Nations that wanted to exercise more direct control over the education of their own children and youth.

55. The Sami Youth Council representative spoke of the distances travelled by young Sami receiving vocational and higher education. Young people did not always return to their communities after having completed their studies. Reference was made to initiatives by the Government of Norway to solve this problem such as its offer to pay student loans and reduce the tax burden for those returning to their home communities. The Sami Youth Council recommended that the Sami language be recognized as an official language in all four countries: Norway, Sweden, Finland and the Russian Federation.

56. The indigenous representative of the Chin Human Rights Organization alleged that schools established by Mon and Chin indigenous peoples had been forcibly closed. As a result the indigenous children had to attend government schools where they were taught in the Burmese language and Burmese history. He also referred to the closure of all civil colleges and universities since 1996, while higher educational institutions run by the military regime were opened.

57. Indigenous representatives from Brazil expressed concern that young people in their communities did not wish to learn their traditional songs and dances or speak their language.

Housing

58. Housing stress impacted greatly on indigenous youth, the Working Group was informed, and problems such as limited access to utilities were compounded by severe overcrowding. Nine per cent of indigenous young people lived in houses with 10 or more residents compared with 0.4 per cent of the rest of the population, said the Aboriginal and Torres Strait Islander Social Justice Commissioner for Australia. The indigenous representative of the First Nations at Saddle Lake also spoke about the effects of housing shortages and overcrowding which had led to insecurity in home life and to violence. A Hawaiian indigenous representative said that many Hawaiian homeless children did not attend schools.

Land

59. Indigenous representatives spoke of their dependence on their land being central to their survival and existence. Loss of ancestral lands deprived indigenous children of the traditional livelihood of their people and the right to preserve their culture.

60. An indigenous representative from Brazil, speaking on behalf of young people, said that he was seeking legalization of the ownership of their lands and access to education and health services. He said that there were no official projects to help indigenous people to pass through the educational system to university.

61. The representative of the Kuikalahiki indigenous Hawaiian student union spoke about Hawaiians' survival being dependent on the return of their lands. Complaints were made that Hawaiian trust monies were being used to purchase land in order to construct a high school for instruction in the Hawaiian language.

62. In a joint statement on behalf of two Maori organizations, social and economic indicators revealing the situation of the Maori people were said to show very clearly the consequences of

the Maori's separation from their land, their lack of control over their own resources and their almost complete integration into the dominant New Zealand culture. She stated that the socio-economic disparities between Maori and non-Maori would only be addressed through the restoration of an economic base to the Maori which required, in her view, genuine commitment on the part of the Government to settling claims under the Treaty of Waitangi.

Removal from family environment and community

63. The inter-generational effects of past government policies were said to be having a large impact on the indigenous children and youth of contemporary Australia. The removal of Aboriginal children from their families and communities was mentioned, with several indigenous representatives from Australia speaking about the "stolen generation" of indigenous children and the inquiry into this matter. Details were provided of the inquiry's conclusions and recommendations. It was also stated that 25 per cent of Aboriginal children were still placed with non-indigenous foster parents.

64. According to information provided by the indigenous representative of Na Koa Ikaaaika o Ka Lahui Hawaii, Hawaiian children were said regularly to be taken from their parents by the courts and State social service agencies and placed in non-Hawaiian families.

Administration of justice

65. Many indigenous representatives spoke of the higher incarceration levels of indigenous youth.

66. Several speakers referred to the mandatory sentencing laws in Western Australia and the Northern Territory and the view was expressed that these laws discriminated against indigenous peoples.

67. The observer for Australia informed the Working Group that the Federal Government was concerned about the potential impact of mandatory sentencing on young people under the age of 18. The Northern Territory had amended legislation so as to raise the age that offenders were treated as adults from 17 to 18 years. While the mandatory sentencing laws applied to all offenders, a large number of juveniles sentenced under that legislation were indigenous: indigenous juveniles comprised 2.6 per cent of the Australian population aged 10-17 yet accounted for 37 per cent of all juvenile detainees.

Effects of armed conflict

68. The negative effects of armed conflict on the physical, emotional and mental health of children were highlighted. Such effects were seen to be not only immediate but also inter-generational.

69. The representative of the Parakuiyo Community in the United Republic of Tanzania recommended that children's issues be taken into account in all relevant peacekeeping and peace-building policies and programmes.

70. Indigenous representatives from Colombia spoke of the recruitment of indigenous children into armed forces as did the indigenous representatives of the Batwa.

71. The effect of communal violence on the rights of children was pointed out. The indigenous representative of the Bodo people of Assam spoke of human rights violations committed by security forces against children, and an indigenous representative of the Naga people spoke of children refusing to attend school during outbreaks of such violence.

72. A representative speaking on behalf of the indigenous peoples of Manipur and the North East Region of India, stated that the unresolved conflict in the region affected the infrastructure and support available to children, with resources being diverted from welfare programmes to suppressing dissidence and promoting "law and order", the military, paramilitary and police forces.

73. Several indigenous representatives raised the issue of obligatory military service and spoke of the need to respect the rights of conscientious objectors and to provide alternatives to military service.

Refugees/IDPs

74. In a joint statement by the indigenous peoples of Asia, the Working Group was informed that conflict and development interventions had resulted in large-scale displacements, internal and external, and that serious consequences for children and youth resulted from the implementation of inappropriate and non-consultative development projects. Other indigenous representatives spoke about the children of returned refugees and internally displaced persons being deprived of all basic social services.

Labour issues

75. Indigenous representatives spoke of youth taking jobs as guards, watchmen, construction workers, vendors, peddlers and contractual workers in export processing zones. It was also pointed out that indigenous children and youth were victims of trafficking overseas, including for the purposes of prostitution. It was also stated that they were pushed into criminal activities such as selling of drugs, robbery and pickpocketing.

76. Several indigenous representatives mentioned that indigenous children and youth had migrated to urban areas or neighbouring States in search of employment. Often they had to accept low-paid work, work as domestics, and were at risk of economic and sexual exploitation or of working and living on the streets.

77. Reference was made to the Chittagong Hill Tracts Agreement under which Jumma were to be accorded priority in employment in Government and in non-governmental and other bodies. It was stated that these provisions were not implemented.

78. The observer for the ILO informed the Working Group of projects supported under the Programme to Eliminate Child Labour which target indigenous children and communities. Specific reference was made to projects in operation and under consideration in the Philippines,

the Lao People's Democratic Republic, Nepal, Peru, Guatemala, Ecuador, Bolivia, Colombia and Thailand. The projects are focused on withdrawing children from the most hazardous forms of labour, preventing their exploitation, combating debt bondage through support to income-generating activities for families, and access to formal or non-formal education.

79. The observer for Canada provided details of the Aboriginal Human Resources Development Strategy which had a five-year budget of $1.6 billion to assist Aboriginal people to prepare for, find and keep jobs. The funds were managed by provincial/regional Metis, Inuit and First Nations organizations to reflect priorities set by these groups.

Legislation, policies and implementation mechanisms

80. Several indigenous representatives called for the adoption of national legislation and policies which fully respected the provisions of international human rights treaties. Reference was made in particular to article 1 of the two Covenants, article 27 of the International Covenant on Civil and Political Rights and articles 12, 13 and 15 of the International Covenant on Economic, Social and Cultural Rights, as well as articles 17, 29 and 30 of the Convention on the Rights of the Child. Respecting the provisions of ILO Convention No. 169 was also highlighted by several indigenous representatives as well as by the observer for Switzerland. Rapid ratification of the two Optional Protocols to the Convention on the Rights of the Child was encouraged. The United States of America was specifically requested to become a State party to the Convention on the Rights of the Child.

81. The observer for the ILO indicated that the Worst Forms of Child Labour Convention (No. 182) had the quickest ratification record, having already attracted 31 States parties. The observer for the United States of America informed the Working Group that his Government had been the fourth State to ratify that Convention and that President Clinton was the first head of State to sign both Optional Protocols to the Convention on the Rights of the Child.

82. The indigenous peoples of Asia in their joint statement said that the monitoring of the implementation of international treaties was inadequate and ineffective in protecting children and youth.

83. The observer for New Zealand informed the Working Group that government agencies responsible for the development of policies and services relating to children had been charged with identifying new ways of working to build capacity within Maori communities that facilitated meaningful participation by Maori and which placed Maori in the position of leading Maori development.

84. The indigenous representative of the First Nations at Saddle Lake stated that his people had no recognized authority for the development of child and family services laws and regulations based on their own values, culture and home structures.

85. The attention of the Working Group was drawn to the necessity of adopting enabling legislation to ensure the enforceability of international law. Without safeguards against human rights abuses and access to legal remedies the provisions of international human rights treaties had no real effect and the future protection of children could not be guaranteed.

Support of international organizations

86. Various United Nations agencies, funds and programmes as well as international financial institutions were called upon to provide assistance on the ground to the indigenous communities facing difficulties in supporting their children and youth and in assisting Governments to provide adequate health care and education. For example, the representative of the Sengwer Indigenous Peoples of Kenya requested that international organizations accord special attention in their programmes to the hunter-gatherer indigenous peoples in Kenya.

87. The observer for Switzerland offered suggestions for possible themes to be discussed at the Permanent Forum. They included: employment and training as well as the question of special protection measures for indigenous children affected by armed conflict.

88. The observer for Spain suggested that Governments, non-governmental organizations and indigenous organizations cooperate to establish multicultural education programmes for indigenous children and youth with participation from a range of communities. The Indigenous Fellowship Programme of the Office of the High Commissioner for Human Rights was cited as an example.

89. The representative of the Mejlis of Crimean Tartar People suggested that the United Nations facilitate and support the attendance of indigenous children and youth at United Nations meetings on indigenous issues. Several indigenous representatives recommended greater participation by indigenous youth in indigenous meetings in the future.

90. An indigenous representative from Guatemala expressed the view that for almost 20 years various reports and resolutions had offered promises to improve the situation of indigenous peoples without sufficient action for their fulfilment. For the youth and children of today it was important that action was taken to remove inequalities.

91. The indigenous representative of the Committee on Indigenous Health, which had been constituted by the indigenous peoples' caucus during the fifteenth session of the Working Group in July 1997, recommended several courses of action. He suggested that the principle of "First call for indigenous children and youth" be adopted by the Working Group. It was also suggested that attention should be drawn to this principle and to the general problem of discrimination against indigenous children and youth during the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. In a statement on behalf of the indigenous peoples in Manipur and the north-east of India, a study on the situation of indigenous youth and children was urgently called for. UNICEF, UNESCO, WHO, UNAIDS, FAO were specifically requested to formulate and implement strategies and programmes for indigenous children and youth.

Participation

92. A mechanism established to provide children and youth with the opportunity to participate and determine their future, the Youth Advisory Council, was referred to by the indigenous representative of the Norfolk Islanders.

93. The observer for New Zealand underlined the intention of her Government to work closely with community, voluntary and public sector children's experts, advocates and children themselves to identify key issues from their perspectives and to start building a consensus on the way forward in promoting and addressing these issues.

94. A statement was made by representatives of indigenous youth at the end of the debate which is contained in annex III to the present document.

95. A presentation was made on the NGO Workshop on Indigenous Children and Youth. The recommendations of the workshop are also contained in annex III.

III. REVIEW OF RECENT DEVELOPMENTS PERTAINING TO THE PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF INDIGENOUS PEOPLE: GENERAL STATEMENTS, INCLUDING LAND ISSUES, EDUCATION AND HEALTH

96. The Chairperson-Rapporteur introduced item 5, noting that the item provided an opportunity for observer Governments and representatives of United Nations bodies and specialized agencies and indigenous organizations to provide information about recent relevant developments.

97. Several indigenous representatives of the Moluccan people referred to the recent fighting between Indonesian militant Islamic groups and Muslim and Christian Moluccans that resulted in a flood of displaced persons from all over the mainly Christian Moluccan Islands. According to independent and official sources, nearly 3,000 people had been killed since the conflict first broke out in January 1999 and over half a million people had been displaced. An appeal was made to the world community to stop the atrocities.

98. Several indigenous representatives from Myanmar referred to the precarious situation of the Chin indigenous people. Forced labour, closure of all schools not affiliated with the Government, and prohibition of the Christian religion were some of the persecutions perpetrated by the armed forces.

99. An indigenous representative of the Hmong people urged the United Nations High Commissioner for Human Rights to request the Governments of the Lao People's Democratic Republic and Viet Nam to stop "ethnic cleansing" of Hmong and Lao people in Laos, more than 300,000 of whom had been killed since the end of the Viet Nam war in 1975 while 100,000 Hmong had been forced to move from their homeland to dry areas without suitable land and sufficient water.

100. Several indigenous representatives from the Philippines drew attention to the violations of human rights against the Lumads and Moro people as a result of the Government's military operations in Mindanao, which have lead to the serious humanitarian problems of more than half a million persons being displaced. A request was made to condemn the appeal for international support by the President of the Philippines for a military solution to the Mindanao crisis. It was

claimed that the desire of the Moro people for self-determination and the rights of the Lumads as indigenous peoples should be urgently addressed in order to achieve peace and prosperity for the people of Mindanao.

101. The indigenous representative of the Crimean Karaites of Ukraine stated that in order to improve their demographic, economic and spiritual position, the Crimean Karaites must be given the legal status of "native people" and not "national minority", as they should not be considered a diaspora. A quota for Karaite representatives needed to be established in the Crimean and Ukrainian parliaments.

102. The observer for Ukraine said that since becoming an independent State Ukraine had consistently safeguarded the rights of indigenous peoples, national groups and citizens, which had been disrupted by the previous regime. The recently created Consultative Council of Crimean Tartars, as well as the implementation of over 20 decrees and resolutions, should contribute to the elimination of obstacles and the promotion of constructive dialogue between the Government and the Crimean Tartars.

103. Several indigenous representatives from South Africa recalled that no African State was a party to ILO No. 169 Convention and that the African Charter on Human and Peoples' Rights, did not specifically refer to indigenous peoples. The hope was expressed that the Government of South Africa would soon ratify ILO Convention No. 169, and that the Khoisan peoples would be given a fair and equitable opportunity to develop their own indigenous status.

104. The indigenous representative of the Nama Community in Namibia stressed that the issue of land rights for indigenous peoples was of central importance for their continued survival, in particular having access to natural resources. He recalled that Governments in Southern Africa had contributed to the alienation of indigenous peoples from their lands through various mechanisms, e.g. Land Acts and resettlement schemes.

105. The observer for South Africa shared with the Working Group some of the developments which had taken place since the last session with regard to the Khoisan communities. While the Constitution guaranteed the rights of indigenous communities, since 27 April 2000 the new South African coat of arms had included a symbol reflecting Khoisan art, language and culture. The obligations of the South African Government towards all its people were unambiguous and its mandate with regard to equal rights was stated in the preamble to the Constitution.

106. Indigenous representatives from southern Africa referred to San students facing discrimination in the formal education system, as only the primary village schools, which provided education in their mother tongue, were funded. Most of the children were separated from their families and communities as they had to live in hostels due to the distance of the San peoples' remote area from the senior government schools. Young girls separated from the traditional guidance of their families were particularly vulnerable to sexual exploitation and STDs, including HIV/AIDS.

107. Several indigenous representatives from the Maasai community in Kenya called on the international community to assist them in their campaign to regain control over their ancestral

homelands which had been lost as a result of land allocations made by officials in 1990. The Working Group was requested to urge the Government of Kenya to pass the proposed Land Adjudication Bill currently in parliament.

108. An indigenous representative of the Ainu people noted that although the Government of Japan had enacted the Ainu Culture Promotion Act in 1997, the new law offered nothing in terms of actual rights as the Government did not recognize the Ainu as an indigenous people. Concern was expressed regarding the severe lack of education regarding Ainu culture, rights and history in the public school system.

109. The indigenous representative of the Amami people expressed concern regarding the assimilation policy of the Government of Japan. The Amami Islands, located about 500 kilometres from Japan, had since ancient times belonged to the Ryukyu Kingdom which had a language and a culture distinct from those of Japan. He insisted that the Government of Japan must apologize for the history of exploitative and racist policies, and demanded compensation for past misdeeds.

110. An indigenous representative from Japan referred to the United States military bases in Okinawa located on 75 per cent of the land of the Okinawans, thus depriving them of their land rights as indigenous peoples. As a consequence, the Working Group was asked to reflect on the problems inflicted on indigenous peoples everywhere by military occupation of their lands.

111. The indigenous representative of the Saami Council urged the Government of Norway to stop its plans to merge the two Mauken-Blaating military training fields. She asked the Government of Sweden to ensure that the Saamis would never be prevented from using their traditional reindeer pasture areas and to amend the legislation so that the Saamis were entitled to legal aid in order to defend their rights in a court of law. The Saami representative requested Ms. Daes, in her capacity as the United Nations Special Rapporteur on indigenous land rights, to include the cases of the Mauken-Blaating military base and reindeer grazing in Sweden in her next report. She furthermore recalled that in Finland, current legislation did not acknowledge any special Saami land rights. The Saami Council congratulated the Government of the Russian Federation for the consideration given to the indigenous peoples in the Russian Constitution and legislation, though she said that these laws should have a greater impact on day-to-day decision-making.

112. An indigenous representative from Norfolk Island encouraged the Commonwealth of Australia to remove the three current constitutional impediments that continued to prevent the people of Norfolk Island from exercising their right to a limited form of self-government as proclaimed in the Norfolk Island Act of 1979.

113. The Aeta indigenous representative of Zambales referred to the Indigenous Peoples' Rights Act of 1997. He stated that a petition filed in 1998 before the Supreme Court had questioned the constitutionality of the law and sought to stop its implementation on the ground that the law undermined the concept of native title.

114. The observer for the Philippines made a clarification regarding the position of his Government towards the Indigenous Peoples' Rights Act. He stressed that the Government had

pushed for the enactment of the law and had anticipated its implementation by issuing certificates of claim to ancestral land even before the law was adopted. The purpose had been to facilitate the issuance of titles once the law came into force. This was in accordance with a comprehensive plan of action for indigenous peoples. In the light of the court case the Government had to act with prudence in order not to prejudice the outcome of the case.

115. A representative of the Cherokee people drew the attention of the Working Group to a resolution adopted recently by the Washington State Republican Party calling for the final destruction of the tribe by any means necessary. He stated emphatically that no outside entity could solve the problems of his people with respect to land, education, health and welfare better than they themselves given the resources guaranteed to them by treaty.

116. A representative of the Western Shoshone Nation said that both present and future generations of his people were being threatened by the efforts of the United States Government to abrogate a treaty signed in 1863 and any land claims based on that treaty. He asked for the help of the Working Group in his people's dealings with the United States Government.

117. A representative of the Washitaw people drew the attention of the Working Group to the blocking of World Bank funding allocated to his organization.

118. A representative of the Apache Survival Coalition reported on a potential case of desecration of a sacred site in the south-western United States. The proposed construction of an observatory represented a violation of international accords for the protection of biodiversity, religious freedom and cultural preservation. The representative recommended that the Sub-Commission follow up the report by the Special Rapporteur on religious intolerance and that the Working Group and other United Nations bodies continue to consider the issue of sacred sites on indigenous peoples' territories.

119. A representative of the Mohawk Nation at Kahnawake reminded the Working Group of the Oka crisis of 1990, stating that if the events were forgotten they would be destined to be repeated. He stated that although the Government of Canada had increased the amount of money spent on indigenous peoples to improve conditions on Indian Reserves, it would still be many years before indigenous peoples could experience the quality of life enjoyed by the average Canadian. The representative warned that a crisis such as that at Oka could happen again at any time. He invited Ms. Daes and Mr. Alfonso Martinez to visit his community again.

120. The observer for Canada reported on recent developments in his Government's relationship with Aboriginal peoples. Federal, provincial and territorial ministers responsible for Aboriginal affairs had met in December with leaders of the five national Aboriginal organizations and agreed to establish an ongoing process, including a commitment to annual meetings. There had also been progress on the Urban Aboriginal Strategy, notably the announcement of a fund to address problems of homelessness. He reported that Parliament had passed the historic Nisga'a Final Agreement which sets aside 2,000 square kilometres as Nisga'a lands and establishes a Nisga'a central government. There was also progress with regard to schemes designed to promote the economic development of indigenous peoples, and many significant innovations were under way to address Aboriginal health problems.

121. A representative of the Cree people said that the underlying causes of the plight of indigenous peoples were not being addressed by the Canadian Government and that what programmes did exist were piecemeal and inferior to the benefits afforded to non-indigenous Canadians. He identified the root cause as the continuing dispossession of his people. He quoted the United Nations Human Rights Committee as saying that "the situation of the aboriginal peoples remains the most pressing human rights issue facing Canadians" and repeated its concern that the recommendations of the Royal Commission on Aboriginal Peoples had not yet been implemented.

122. A representative of the Innu Council of Nitassinan made reference to the observations of the Human Rights Committee (April 1999) and the Committee on Economic, Social and Cultural Rights (November 1998) which recommended that Canada modify its practices towards indigenous peoples. He said that despite this, Canada had continued a policy of extinguishing, modifying and abolishing the ancient and inalienable rights of indigenous peoples. He invited the Government of Canada to reopen the dialogue with his people on the recognition of their collective ancestral rights.

123. A representative of indigenous peoples in Hawaii referred to a recent decision, (Rice vs. Cavetano, February 2000) by the United States Supreme Court which she said denied the human rights of the indigenous peoples of Hawaii and presented a serious threat to the sovereign status of all Indian and Alaskan native nations. The court had ruled that non-native Hawaiians had the right to vote in the election for Hawaiian representatives to the Office of Hawaiian Affairs. She referred to a movement called the Coalition for Color Blind America which had successfully spearheaded a resolution at the Washington State Republican Party Convention calling for the eradication of all Indian tribes and nations. A branch of the same coalition was active in Hawaii.

124. A representative of an indigenous organization in Nicaragua informed the Working Group that several indigenous peoples were seriously threatened with displacement from their traditional lands and natural resources, both by government actions and private concerns. She said that an American citizen, resident in Guatemala was claiming ownership of an area which rightfully belonged to Miskitu people. She called for international vigilance in this matter and also for the Government of Nicaragua to fulfil its obligations under law.

125. An indigenous representative of CONAMAQ in Bolivia recommended a change in the political system to one based upon the social model of the ayllu. Another indigenous representative from Bolivia recommended that in accordance with ILO Convention No. 169, a system of consultation be put into place; fundamental changes in the ownership of land in order to ensure equal access to indigenous territories; a moratorium on the introduction of genetically modified products to Bolivia, whether for experimental purposes or supposedly for the benefit of indigenous populations; and that the rights of indigenous peoples with respect to their intellectual property be ensured by the World Intellectual Property Organization (WIPO), the Commission on Sustainable Development and other United Nations bodies.

126. A representative of the Mapuche people expressed concern about the role of transnational forestry companies which were causing the physical and cultural disappearance of the Mapuche people. He told the Working Group about a march which had been undertaken the previous year

to draw attention to this situation. An indigenous representative from Chile said that although it was too early to comment on the policies of the new Government, the attention of indigenous organizations would be particularly focused on the fulfilment of electoral promises to ratify ILO Convention No. 169, reform the Constitution and establish a "new relationship" with the indigenous peoples of Chile. Their demands included the observance of all their human rights, in particular their right to land, territories and sacred sites, as well as the release of indigenous peoples imprisoned for attempting to recover the land and dignity of their people.

127. The observer for Argentina said he was pleased to announce that ILO Convention No. 169 had been ratified by his country a few days previously. It was the intention of the new Government to promote integrated development in indigenous affairs, through the work of the National Institute for Indigenous Affairs and the relevant ministries, in areas including housing, improved productivity, improvement in economic circumstances, health and education. Technical and financial support had been given to teaching in the mother tongue, both in spoken and written forms, and efforts had been made to develop teaching materials and to make training available in the indigenous languages.

128. An indigenous representative from Brazil expressed his disappointment with the implementation of the programmes of the 1992 United Nations Conference on Environment and Development. He called on the international development banks to develop specific programmes for indigenous peoples, and said that it was necessary that the United Nations agencies ensure that indigenous people were given the chance to participate in development programmes. Another representative of an indigenous organization in Brazil spoke of the risk of cultural genocide posed by the lack of texts in the mother tongues of indigenous peoples, in particular texts dealing with legends and founding myths. Another indigenous representative from Brazil praised the Government project begun in 1999 to teach indigenous children in their own languages.

129. The observer for Brazil outlined the provisions made in the area of education, including a scheme to support indigenous pupils in the continuation of their secondary studies at urban schools and, in some cases, at university. He also described developments in a training programme for indigenous peoples that focused on the administration of indigenous schools, agricultural productivity, environmental management, and the formulation and implementation of programmes in accordance with the needs of indigenous communities. Finally, he informed the Working Group about the Indigenous Statute currently being debated in the Brazilian Parliament, which would give indigenous peoples the right to be consulted on the use of water and minerals from their lands and to be compensated financially for such use.

130. A representative of indigenous peoples in Ecuador asked that his Government and international financial institutions place greater emphasis on the comprehensive development of indigenous peoples.

131. A representative of indigenous peoples in Venezuela spoke of her people's desire to share their knowledge particularly in the area of traditional medicine, and called for every hospital to employ traditional indigenous doctors.

132. A representative of indigenous peoples in French Guiana said that her people were being promised more autonomy under a government plan, but that she feared this would lead to further exploitation. She drew the attention of the representative of the observer for France to the need to revise the national education to provide a balanced education to young people, avoiding the risk of imposing a single culture upon others, and to halt the invasions of indigenous land and the poisoning resulting from gold-mining.

133. A representative of an indigenous organization in Mexico denounced a form of contemporary slavery experienced by indigenous workers in Baja California, their situation was especially appalling as they were prevented from seeking alternative employment. He also asked for the support of the members of the Working Group for peace in Chiapas and for all of Mexico's indigenous communities.

134. The observer for Mexico described developments relevant to indigenous peoples in the areas of constitutional reform, the fight against poverty, health, education, development, land issues, access to justice, the promotion and defence of the human rights of indigenous peoples and political representation. Although there was still a lot of work to be done in these areas, the progress made had been significant and in Mexico there was an awareness in all sectors of society that indigenous peoples were an essential part of the present and future of the country.

135. The observer for Colombia told the Working Group about the work being done in land rights, "ethno-education" and health provision, all of which formed part of a national project for peace and the promotion of the values and resources of the different communities and ethnic groups in Colombia.

136. The observer for Spain told the Working Group about some of the achievements of the Spanish Strategy for Cooperation with Indigenous Peoples, designed to support sustainable development through training, education projects and programmes to promote familiarity with the media and new technology. She mentioned two indigenous cinema festivals which had taken place in Spain.

137. Another representative of the indigenous peoples of the north of the Russian Federation spoke on education and lamented the lack of provision for the use of the native language, the lack of teachers and national experts and the restricted access to higher education. She stated that those young people of her community who did go on to higher education often did not finish their courses, or did not return to their communities afterwards, she recommended that a federal programme be set up. She also condemned the conscription of her community's young people into the Russian armed forces.

138. The observer for the Russian Federation recounted the positive results of a conference on cultural development. He said that in schools belonging to indigenous communities half of the pupils were studying in their native language, but that difficulties with regard to materials and technical supplies, as well as personnel, were having a negative impact on the education of indigenous peoples.

139. Several representatives of indigenous organizations in Australia drew the attention of the Working Group to the 1998 amendment to the Native Title Act which had been discussed by the

Human Rights Committee the previous week. They told the Working Group that Australia was under close scrutiny by the Committee on the Elimination of Racial Discrimination and had been asked to suspend the amended Native Title Act and to renegotiate its terms with the Aboriginal peoples, but refused to do so.

140. A representative of the Aboriginal and Torres Strait Islander Commission declared the support of his organization for the proposal that Australia should sign a treaty with the indigenous peoples of the country. He said that Australia was not doing enough to acknowledge and redress the injustices of past policies, or to protect the culture and livelihood of the indigenous peoples. He urged the Government of Australia and other Governments to respect the role of the treaty monitoring bodies and to comply with their treaty obligations. He called for greater priority and attention to be given to the rights of indigenous peoples at the international level, in particular that the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance include the issue of racism against indigenous peoples as a key topic.

141. A representative of the Torres Strait Regional Authority spoke of improvements in the situation of his people since the last session of the Working Group. He said that his organization was considered a model for many indigenous organizations across Australia and had been approached to provide advice and to explain how it worked.

142. A Maori representative spoke on behalf of two organizations, expressing his disappointment that the new Treaty of Waitangi Settlement Principles were essentially a rehash of the previous administration's policy on this matter. He said that the Maori had always sought to work in good faith with the Government but that recognition and enforcement of Treaty guarantees had only been achieved through litigation.

143. The observer for New Zealand referred to the recently released *Closing the Gaps 2000* report, which demonstrated that Maori continued to experience disadvantages in many areas. He said that a Cabinet committee, chaired by the Prime Minister herself, had been set up to deal with these problems. He also said that claims covering more than half of New Zealand's land area had already been settled, including most of the South Island. The Government of New Zealand was also in the process of reviewing its position on ILO Convention No. 169 and had undertaken a consultation with the Maori on that subject.

144. A representative of the Leonard Pelletier Defence Committee thanked those who had helped his organization win the battle to gain proper medical treatment for Leonard Pelletier. He said that if President Clinton did not grant clemency before he left office, the possibilities for a release in the near future would be dismal. He requested the help of the international community to stop a campaign by the Federal Bureau of Investigation to obstruct justice for Leonard Pelletier so that his freedom could be secured.

145. A representative of indigenous peoples in West Papua raised the issue of human rights and land, and reminded the Government of Indonesia of its responsibility to promote and protect the human rights of indigenous peoples, in particular by the recognition and ratification of ILO Convention No. 169.

146. A representative of indigenous and tribal peoples of the tropical forests drew the attention of the Working Group to recent events which were threatening the peace initiatives between the Government of India and the Naga people. He said that the ceasefire agreement had failed to translate into any concrete political dialogue. However, he gave examples of the work done by his organization to promote people-to-people dialogue, such as seminars and workshops on peace-building and conflict resolution, awareness campaigns, and a "journey of conscience".

147. A representative of indigenous peoples in Nepal spoke of the many problems linked to marginalization, and also the lack of recognition of genuine indigenous peoples in his country.

148. A representative of indigenous peoples from the Chittagong Hill Tracts of Bangladesh said that since 1979 thousands of indigenous peoples had been forced to flee to India or were internally displaced as a result of a Government-sponsored settlement programme which had brought non-indigenous peoples into the region. Provisions had been made for a Land Commission in the Peace Accord but 2½ years later it was not yet in operation. He called for the immediate and proper implementation of the CHT Agreement. A representative of a women's organization in the same region spoke of the constant insecurity felt by Jumma women and described incidents of sexual harassment and rape by members of the armed forces and settlers. She called for judicial inquiries into all cases of rape, the withdrawal of the military and settlers from the Chittagong Hill Tracts, and the speedy implementation of the Agreement.

149. A representative of the Borok people said the present situation in Tripura was alarming as both indigenous peoples and migrants had taken up arms. He warned that if the present trend continued the indigenous population in Tripura would be completely marginalized in the coming decades, and that this was creating an increased determination on their part to struggle for their cultural survival and the protection of their basic human rights.

150. A representative of the Kuki people of north-east India and Myanmar spoke of continuing hostilities between the Nagas and the Kukis, and expressed his concern that the Government of India had initiated a unilateral dialogue with the Nagas. He said that because of the failure of the Kukis to mobilize their case remained largely unheard, but this should not be taken advantage of. He hoped that the Working Group would initiate the adoption of an "inclusive" approach concerning the Kuki people.

151. An indigenous representative from the Solomon Islands said that the natural resources in his country had been taken by foreign companies and that his people, feeling frustrated, had taken up arms. The root cause of the ethnic tension in the Solomon Islands was related to indigenous control of the natural resources.

152. A number of indigenous representatives referred to the question of health. A representative of the American Indian Law Alliance stated that while HIV/AIDS did not discriminate, national health-care systems did. He reminded the participants of the devastation disease had historically inflicted on indigenous communities. He drew attention to the alarming rates of HIV and AIDS around the world, and expressed the hope that it might be possible to prevent a situation like the one in Africa and Asia occurring in North and South America. He urged the Chairperson-Rapporteur to transmit his concerns to the relevant United Nations agencies.

153. A representative of the Committee on Indigenous Health drew attention to the Geneva Declaration on the Health and Survival of Indigenous Peoples and the third Joint Forum on Indigenous Health, held on 26 July 2000, which focused on mental health, the impact of conflict on indigenous peoples, especially children, AIDS, and traditional knowledge and medicine.

154. Many indigenous delegations supported the adoption of the draft United Nations declaration on the rights of indigenous peoples as soon as possible.

155. The observer for the International Labour Office (ILO) referred to ILO Conventions Nos. 107 (1957) and 169 (1989), both relating to indigenous peoples. He said that Convention No. 169 had been ratified by 14 countries: Argentina, Bolivia, Costa Rica, Ecuador, Colombia, Denmark, Fiji, Guatemala, Honduras, Mexico, Netherlands, Norway, Paraguay and Peru. In its 1999 annual report, the ILO Committee of Experts observed that Convention No. 169 was the most comprehensive instrument of international law for the protection in law and practice of the right of indigenous and tribal peoples to preserve their own laws and customs within the national societies in which they live.

156. The observer for the United Nations Development Programme (UNDP) said that UNDP continued to develop its Indigenous Peoples' Portfolio and had prioritized the design of a policy and operational guidelines for the use of its country offices. She noted that in May, UNDP had established its first Civil Society Committee, including representatives from indigenous peoples' organizations.

IV. STANDARD-SETTING ACTIVITIES, INCLUDING A REVIEW OF INDIGENOUS PEOPLES' RELATIONSHIP WITH NATURAL RESOURCES, ENERGY AND MINING COMPANIES

157. The Chairperson-Rapporteur, introducing item 6, referred to the request made by the Working Group in 1998 that he prepare a working paper on the issue of possible principles and guidelines concerning the relationship between indigenous peoples and natural resources, energy and mining companies. In view of the large amount of information available and the ongoing discussions on this matter in the Sub-Commission on the Promotion and Protection of Human Rights, the Chairperson-Rapporteur said that he would prepare his working paper for the nineteenth session of the Working Group.

158. Ms. Daes, referred to the conclusions and recommendations of the Seminar on the draft principles and guidelines on the protection of the heritage of indigenous peoples contained in the report of the seminar (E/CN.4/Sub.2/2000/26), in particular the recommendation to transmit the draft principles and guidelines to the Commission on Human Rights.

159. Many indigenous representatives stated that their lifestyles and cultures were closely linked to their land. The recognition of the rights of indigenous peoples over their lands and resources and their right to self-determination was called for by many indigenous representatives.

160. According to an indigenous representative from Canada, natural resource ownership was one of the most important issues facing indigenous peoples. Indigenous peoples had been

dispossessed of most of their lands, and it was necessary to recognize and reconfirm that indigenous peoples owned all the natural resources in their territories. Indigenous peoples were entitled to an equal share of all the resources of the country.

161. Many indigenous representatives emphasized the need to develop standards to regulate access to and use of natural resources on indigenous lands by which Governments, mining companies and transnational corporations would have to abide. The indigenous representative of the Indian movement "Tupaj Amaru" said that indigenous peoples were the victims of globalization. He referred in that regard to the exploitation of natural resources on indigenous land by transnational corporations.

162. An indigenous representative from the Philippines referred to the fact that numerous companies had signed voluntary codes of conduct which promised much in improved community relations and environmental management, but which were not binding and did not provide sanctions for breaches. The principles of the draft declaration would constitute a far more acceptable framework for indigenous peoples for standard-setting in dealing with the private sector than codes of conduct generated solely by industry.

163. An indigenous representative of the International Indian Treaty Council said that since the World Trade Organization (WTO) was created in 1995 to implement multilateral trade agreements and eliminate all so-called barriers to free trade, there had been an incremental increase on imposed development on indigenous lands, including dumping of toxic and radioactive wastes, discharge of persistent organic pollutants and toxic pesticides, open pit mining, oil drilling, deforestation and flooding by hydroelectric dams. He called upon the Working Group to address the human rights impacts of the WTO policies and imposed economic globalization.

164. An indigenous representative of the Interior Alliance reported that indigenous peoples in Canada had been pushed onto very small reserves because of the exploitation of natural resources. This process had propelled the indigenous peoples into a cycle of economic dependency and reliance on the provision of social services. To break the cycle, they had to have equal access to their lands and resources to that enjoyed by the diverse natural resource, energy and mining companies.

165. Indigenous representatives from the Philippines said that the implementation of the 1997 Indigenous Peoples' Rights Act had been suspended as a result of challenges from mining interests and that the actual recognition of indigenous land had not been possible. Likewise, the provision for the requirement of free and informed prior consent to projects affecting indigenous peoples was either ignored or subverted.

166. The representative of Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos referred to mining activities in the south of Peru and the north of Chile. He named a project in Peru that had a negative impact on indigenous peoples and called for guidelines. He was particularly concerned about the pollution of fresh water used by indigenous peoples for food production.

167. An indigenous Maori representative expressed disappointment that the fundamental relationship that the Maori had with the land, and the resources within it, had been disrupted for reasons of political expediency. She urged the Government of New Zealand to establish a policy on natural resources based on justice, equity and the rights contained in the Treaty of Waitangi.

168. An indigenous representative from the Chittagong Hill Tracts reported on how hydroelectric and mining activities directly affected the ecological balance of the region and the lifestyle of the indigenous Jumma people. He appealed to the Government of Bangladesh to prohibit all logging, farming, tourist and other activities that were harmful to the environment and lifestyle of indigenous peoples.

169. An indigenous representative from Nicaragua referred to the exploitation of natural resources in his area. He said that the Government was granting concessions to North American businesses on indigenous lands. Indigenous peoples in those areas did not have the resources to pay for lawyers to fight these decisions.

170. Several indigenous representatives spoke about the fundamental right of indigenous peoples to determine economic development strategies and priorities for their homelands. An indigenous representative from Australia spoke in this respect about the detrimental impact of a second uranium mine project, the Jabiluka Project, on the Mirrar people.

171. An indigenous representative from the Russian Federation emphasized the need for tripartite negotiations between indigenous peoples, mining companies and Governments on questions relating to the exploitation of natural resources on indigenous land. He also suggested that a workshop or seminar should be organized on how respect for indigenous peoples could be improved with regard to the activities of mining and energy companies.

172. Several indigenous representatives spoke about their forced eviction from their land and the displacement of indigenous people as a result of mining, dams and hydroelectric projects.

173. An indigenous representative of the Adivasi people in India recommended that any development activities carried out in indigenous areas should be done with the prior and full informed consent of the indigenous peoples living there. He also stated that sacred and cultural sites should not be acquired for any industrial or public purposes. Many other indigenous representatives expressed opinions along the same lines.

174. An indigenous representative from Hawaii suggested that the item on standard-setting should be as inclusive as possible and should, for example, also include the negative impacts on indigenous peoples' land of the development of geothermal and ocean thermal energy resources and the negative consequences of tourism on fragile environments.

V. WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE, INCLUDING THE PREPARATORY MEETING IN MAY 2001

175. Rigoberta Menchú, Nobel Peace Prize laureate, addressed the Working Group at its 11th meeting and was received with a standing ovation. She said that the Working Group had

provided an opportunity for exchanges between cultures and thanked the present and former Chairperson-Rapporteur and the other members of the Working Group for their promotion of the rights of indigenous peoples. Eighteen years ago, when the Working Group began, indigenous peoples were mistrusted. The efforts of indigenous peoples had helped to open up spaces within the United Nations. Ms. Menchú confirmed her commitment to the United Nations and her solidarity with the work being undertaken. She said that although the world had never been so rich, there was also widespread poverty and inequality. Racism was a problem experienced by the majority of the world's population. States needed to look for a peaceful, equitable and just solution to the problems of modernity in particular through legal and political institutions that protected indigenous peoples and others such as migrant workers. She concluded by encouraging indigenous representatives to engage in dialogue with Governments and others so that a new ethical code and commitment to peace was established.

176. Many indigenous representatives expressed their strong support for the World Conference and stated that racism against indigenous peoples should be one of its focal themes. Indigenous peoples could speak with great authority about racism which was an ever-present reality in their daily lives. How racism affected indigenous peoples was not well understood by non-indigenous peoples and the World Conference would offer an opportunity to tell the world that indigenous peoples suffered discrimination not only as individuals, but as peoples who were denied the right to self-determination. Numerous indigenous representatives spoke about specific cases of discrimination in their countries.

177. Many indigenous representatives emphasized that indigenous peoples should be directly involved at all levels and in all stages of the Conference. Indigenous speakers should be invited to address the plenary session of the Conference. An indigenous representative from Hawaii expressed his support for this idea and stated furthermore that indigenous peoples deserved a chapter in the declaration and the programme of action and in the final documents of the Conference. An indigenous representative from Japan requested Governments, non-governmental organizations and the United Nations to make a strong commitment to increase funds for the participation of indigenous peoples, in particular indigenous youth.

178. A transparent accreditation process for NGOs and indigenous participation in the Conference were also said to be of high importance. An indigenous representative from the United States of America urged all indigenous organizations to seek accreditation to the Conference, as a strong indigenous presence at the Conference would better ensure that the issue of racism against indigenous peoples would not be ignored.

179. An indigenous representative from Australia referred to the holding of a meeting in Australia in November 2000 with indigenous representatives from Canada, the United States of America, New Zealand and Australia. Indigenous peoples from each of these nation States shared a common colonial history and had suffered, and continued to suffer, similar devastation as a result of that colonialism. She recommended that the Working Group support the proposal that "Racism against Indigenous Peoples" be a key topic at the World Conference.

180. The observer for Finland considered of particular importance that the position of indigenous peoples be brought on to the agenda of the World Conference. The World Conference could contribute to the formulation of concrete recommendations to

combat all forms of racism and racial discrimination against indigenous people. In particular, the Conference should consider indigenous peoples' right to effective participation in decision-making processes and identify possible ways to further action-oriented national, regional and international measures to combat racial discrimination in regard to such participation.

181. The observer for Guatemala said that his country was a multi-ethnic, pluricultural and multilingual State. He recognized the need for States to reform in order to ensure that indigenous peoples were not marginalized and excluded. In Guatemala there was a growing consciousness of the need to develop new political and legal structures in order to recognize the identity and rights of indigenous peoples. He said that the World Conference provided an opportunity to consider the need to recreate State structures with the full participation of indigenous peoples.

182. The observer for Brazil stated that the full participation of indigenous peoples in the preparatory work of the World Conference was fundamental. The search for effective measures to prevent human rights violations motivated by racist sentiments would not be possible without the inclusion of an indigenous perspective. He invited the indigenous Brazilians present at the Working Group to take part actively in the preparations for the national consultation that his Government would hold as part of its preparations for a regional conference in Santiago de Chile in December.

183. The representative of an indigenous Latin American organization proposed a number of studies in relation to the World Conference against Racism, including the historical origins of racism; racism as a consequence of globalization; the international financial system and the concentration of wealth in the hands of transnational corporations.

184. Ms. Daes informed the Working Group about the working paper on discrimination against indigenous peoples that she had prepared for the Preparatory Committee for the World Conference in accordance with Sub-Commission resolution 1999/20. She referred to the recommendations that were made in her paper and which pertained to: the importance of a mechanism for the full and active participation of representatives of indigenous peoples and organizations; the importance of the World Conference inviting indigenous representatives to address the plenary session; the organization of a seminar by the Office of the High Commissioner for Human Rights on indigenous peoples and the administration of justice; the holding of a parallel activity at the time of the World Conference focusing on indigenous peoples and measures being taken to end discrimination; the setting aside of funds to assist the parallel activity as well as the participation of indigenous people at the World Conference; the recognition by the World Conference that indigenous peoples were "peoples"; the need to consult indigenous peoples and to make practical proposals for activities to be undertaken.

185. The Chairperson-Rapporteur, in summing up, underlined the importance of full participation of indigenous peoples in the World Conference, which he said was consistent with the recommendations contained in the Vienna Declaration and Programme of Action.

VI. INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE, INCLUDING INFORMATION RELATING TO THE VOLUNTARY FUND FOR THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE AND THE REPORT OF THE ADVISORY GROUP

186. A representative of the OHCHR Trust Funds Unit reported on the activities of the Voluntary Fund for the International Decade of the World's Indigenous People. The Advisory Group of the Fund had recommended 20 grants to projects of indigenous communities and NGOs for 2000 and had financed the participation of some 25 indigenous participants and 3 experts in the Workshop of Indigenous Children held prior to the Working Group. She underlined that thanks to contributions of regular and new donors resources were available for all planned activities in 2000 (see E/CN.4/Sub.2/AC.4/2000/3); financial needs for 2001 amounted to US$ 450,000.

187. Ms. Daes and Mr. Guissé thanked donors for their contributions to the Fund and encouraged new and regular donors to contribute in the future to strengthen the activities of the Decade. Ms. Daes encouraged especially contributions from those countries where indigenous people lived.

188. An indigenous representative from the Indian Movement Tupaj Amaru strongly supported an increase in funding for the Voluntary Fund, so that a wide range of organizations could receive support from the Fund in the future.

189. In a joint statement, the four indigenous fellows participating in the 1999 OHCHR Indigenous Fellowship Programme expressed strong support for the Programme and stressed that it had allowed them to gain a good overview of the United Nations system. They recommended that the fellowship be shortened by one month so as to enable one more participant to be funded.

190. The observer for Spain described the activities undertaken by her Government in support of the sustainable development of indigenous peoples during the Decade. It had organized the Workshop on Traditional Knowledge in Madrid in 1997 and hosted the First Meeting of the Ad Hoc Open Working Group on Article 8 (j) of the Convention on Biodiversity this year.

191. An indigenous representative from Taymanut (Morocco) explained that constitutional change in favour of indigenous peoples had not yet taken place in his country and that it was difficult to establish a dialogue with the Government.

192. Several indigenous representatives mentioned that the progress made in the first half of the Decade had been slow and that additional efforts and resources were needed to achieve the objectives of the Decade. An indigenous representative from Japan suggested that a technical meeting be held during the next session of the Working Group in order to review progress made during the Decade and to evaluate specific obstacles to the realization of indigenous rights. She also proposed discussion of a Second International Decade during the next session of the Working Group. Both suggestions were supported by several other indigenous representatives.

193. An indigenous representative from Ukraine suggested that a questionnaire be sent out to Governments and indigenous peoples to collect information on legislation and the situation of

indigenous rights in different countries. The representative of the Hmong people suggested the compilation of an encyclopaedia on indigenous people.

194. Some indigenous representatives said that it was important to adopt the United Nations draft declaration on the rights of indigenous people before the end of the Decade.

195. An indigenous representative from Canada asked for support to the proposal to hold World Indigenous Nations Games and to have it endorsed as an activity of the International Decade.

VII. OTHER MATTERS

196. A representative of the OHCHR Trust Funds Unit reported on the activities of the Voluntary Fund for Indigenous Populations. The Board of Trustees of the Fund had recommended 34 travel grants for the participation of indigenous representatives in the second session of the open-ended working group on the permanent forum in February 2000, 66 travel grants for indigenous representatives to participate in the Working Group on Indigenous Populations and 36 travel grants to attend the sixth session of the Working Group on the draft United Nations declaration on the rights of indigenous people (see E/CN.4/Sub.2/AC.4/2000/4). Contributions amounting to US$ 600,000 were necessary to cover expenditures foreseen for 2001.

197. Ms. Daes and Mr. Guissé stressed that thanks to the Voluntary Fund an increased number of indigenous participants were able to attend the Working Group and appealed to Governments to contribute to the Fund.

VIII. CLOSING MEETING

198. The Chairperson-Rapporteur concluded the nineteenth session of the Working Group by emphasizing its important role as a forum for the exchange of information between the more than 1,000 participants. He emphasized the high attendance at the eighteenth session. He said that all interventions would be considered by the members of the Working Group for inclusion in the report to the Sub-Commission.

IX. CONCLUSIONS AND RECOMMENDATIONS

A. Review of developments

199. The Working Group reaffirmed its view that the agenda item entitled "Review of developments ..." was a fundamental, constructive and positive part of its mandate. It noted in particular that this agenda item offered a unique opportunity for an exchange of views and information between Governments, indigenous peoples and United Nations organizations and specialized agencies about the situation of indigenous peoples and communities. The open and comprehensive debate contributed to better understanding and fruitful action.

200. The Working Group expressed its appreciation to all participants and especially those who had travelled at great expense to participate. It welcomed the participation of observer Governments and the detailed information they had provided concerning recent developments in their respective countries.

201. The Working Group expressed its gratitude to WHO, UNDP, UNESCO, UNICEF and the ILO for their continuing constructive contribution to the discussions and their positive action in support of indigenous peoples' rights.

202. The Working Group further expressed its appreciation to the indigenous, governmental and non-governmental organizers of the many informal briefings, workshops, exhibitions and other information activities that took place outside the plenary session. It considered these activities to be a useful complement to its own programme.

203. The Working Group considered the constructive discussions on the principal theme, "Indigenous children and youth", as particularly helpful to its understanding of indigenous issues. In this context, it was grateful for the presence of many specialists in child and youth rights including the Rapporteur of the Committee on the Rights of the Child, Mr. Jaap Doek, as well as for the involvement of UNICEF in this year's meetings. The Working Group also thanked the organizers and participants of the First International NGO Workshop on Indigenous Children and Youth which met in Geneva from 19 to 21 July 2000. The resolution of the workshop had been taken into consideration by the Working Group and included as annex III to the present report.

204. The Working Group decided to recommend to the Office of the High Commissioner that it organize a second workshop on indigenous children and youth in cooperation with UNICEF, indigenous organizations and child rights NGOs.

205. The Working Group decided to highlight the theme "Indigenous peoples and their right to development, including their right to participate in development affecting them" at its nineteenth session with the understanding that the participants would continue to have an opportunity to provide information of a general character and on other important issues.

B. Standard-setting activities

206. The Working Group reaffirmed its view that the agenda item on standard-setting also constituted a fundamental part of its mandate, as stipulated by the Economic and Social Council in its resolution establishing the Working Group in 1982.

207. The Working Group noted the opinions expressed in relation to private sector energy, mining and natural resource concerns and agreed to continue to provide an opportunity under this agenda item for further consideration of this question.

208. The Working Group encouraged OHCHR to organize, in collaboration with ILO, WTO and UNCTAD, a workshop on indigenous peoples, private sector natural resource, energy and mining companies, and human rights. In this connection, the Working Group recommended that

the workshop include in its agenda consideration of a policy on indigenous peoples and mining, based on the right of each generation of indigenous owners to determine the priorities of development affecting their homelands.

209. The Working Group also recommended that a comprehensive study be undertaken of indigenous peoples and natural resource companies with a view to developing model processes for the protection of indigenous peoples' cultural, social, economic and environmental rights.

210. It also requested the Chairperson-Rapporteur to present a working paper on this question, as agreed at its previous session.

C. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

211. The Working Group made several recommendations regarding the World Conference to be held in 2001.

212. The Working Group called upon the organizers of the World Conference to ensure a mechanism for the full and active participation of representatives of indigenous peoples and organizations. It recommended that the World Conference should invite indigenous representatives to address the plenary session.

213. The Working Group also suggested that a parallel activity be held at the time of the World Conference which might take the form of a panel discussion or a round table, and that a recommendation be made to the Advisory Group and the High Commissioner for Human Rights that funds be set aside for this activity as well as for the participation of indigenous people at the World Conference.

214. The Working Group recommended that a chapter in both the declaration and the programme of action of the World Conference be dedicated to indigenous peoples, and that the Conference recognize that indigenous peoples are "peoples", thereby ending the discriminatory practice of using terms such as indigenous populations or indigenous people when such peoples are referred to collectively.

215. The Working Group indicated its intention to consult with indigenous peoples and stated that on the basis of this process it would make practical proposals in relation to possible activities to be undertaken by Governments, the United Nations system, NGOs and civil society, including schools and higher education establishments, the media, the private sector and others.

216. The Working Group recommended that its former Chairperson-Rapporteur, Ms. Erica-Irene Daes, be authorized to continue to participate in all meetings in preparation for the World Conference and in the World Conference itself. It further recommended that the Chairperson-Rapporteur of the eighteenth session, Mr. Miguel Alfonso Martínez, be authorized to participate in the World Conference and the preparatory meeting for the Latin American region, to be held in Santiago in December 2000.

217. The Working Group also recommended that working papers or recommendations which may be prepared by any member of the Working Group should be incorporated in the relevant list of documentation of the World Conference.

D. International Decade of the World's Indigenous People

218. The Working Group welcomed the information provided by participants relating to the International Decade and reaffirmed its willingness to assist the Coordinator of the Decade in the realization of the programme of activities of the Decade.

219. The Working Group decided to recommend that a meeting or workshop be held in 2001 to evaluate the progress and activities of the Decade so far and to make proposals for what should be achieved in the remaining years.

220. The Working Group also recommended that the Office of the High Commissioner for Human Rights organize a seminar on treaties, agreements and other legal instruments between indigenous peoples and States, to discuss possible follow-up to the study completed by the Special Rapporteur, Mr. Miguel Alfonso Martinez, and to explore ways and means of implementing the recommendations included in his final report.

221. The Working Group expressed its gratitude for the contributions made by Governments and NGOs to the Voluntary Fund for the International Decade. It also appealed to Governments that had not contributed to the Voluntary Fund to do so.

222. The Working Group recommended that the celebration of the International Day of the World's Indigenous People (9 August) be held on the fourth day of the nineteenth session of the Working Group so that all indigenous participants could attend.

E. Other matters

223. The Working Group decided to propose to the Sub-Commission and the Commission on Human Rights that a world conference on indigenous issues be held during the last year of the International Decade of the World's Indigenous People (2004) with a view to evaluating the Decade and considering future international policies and programmes which would effectively contribute to the reconciliation between Governments and the world's indigenous peoples.

224. The Working Group welcomed the continuing progress made by the Committee on Indigenous Health and the Committee on Indigenous Education as well as the cooperation being developed between them and United Nations agencies.

225. The Working Group decided to consider the following items at its nineteenth session: Review of developments - principal theme, "Indigenous peoples and their right to development"; Review of developments - general statements; Standard-setting activities, including a review of indigenous peoples' relationship with natural resource, energy and mining companies; International Decade of the World's Indigenous People; World Conference against Racism,

Racial Discrimination, Xenophobia and Related Intolerance, and Other matters. The principal theme of the nineteenth session will be Indigenous peoples and their right to development, including their right to participate in development affecting them.

226. The Working Group commended the Office of the High Commissioner for Human Rights, in particular the secretariat of the Working Group on Indigenous Populations, and the International Centre for Ethnic Studies in Colombo for having organized a meeting on indigenous peoples and minorities in Arusha, United Republic of Tanzania, in May 2000.

227. The Working Group encouraged the Office of the High Commissioner for Human Rights to continue its efforts to hold meetings on indigenous issues in all regions to provide greater opportunities for indigenous peoples to participate. In this respect, it welcomed the invitation made by the National Commission of Indigenous Peoples of Chile to organize an international seminar on the rights of indigenous youth and children in Mapuche territory during 2001.

Annex I

ATTENDANCE

The following 44 States Members of the United Nations were represented by observers: Angola, Argentina, Australia, Belarus, Brazil, Canada, Chile, China, Colombia, Costa Rica, Denmark, Ecuador, Egypt, Estonia, Finland, France, Greece, Guatemala, Haiti, India, Indonesia, Italy, Japan, Jordan, Malaysia, Mauritania, Mauritius, Mexico, Morocco, Myanmar, Nepal, New Zealand, Norway, Pakistan, Paraguay, Peru, Philippines, Russian Federation, South Africa, Spain, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

The following non-member States were represented by observers: Holy See, Switzerland.

The following United Nations bodies and specialized agencies were also represented by observers: International Labour Office (ILO), United Nations Development Programme (UNDP), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Bank, World Health Organization (WHO).

The following intergovernmental organizations and national institutions were represented by an observer delegation: European Commission, Human Rights and Equal Opportunity Commission, Australia.

The following non-governmental organizations in consultative status with the Economic and Social Council (general consultative status, special consultative status and Roster) were represented by observers:

(a) Organizations of indigenous peoples

Aboriginal and Torres Strait Islander Commission, Grand Council of the Crees (Eenou Astchee), Indian Council of South America (CISA), Indian Law Resource Centre, Indian Movement "Tupaj Amaru", Innu Council of Nitassinan, International Indian Treaty Council, International Organization of Indigenous Resource Development, International Treaty Four Secretariat, National Aboriginal and Torres Strait Islanders Legal Services Secretariat (NAILSS), Saami Council.

(b) Other organizations

African Commission of Health and Human Rights Promoters (ACHHHRP), Anti-Slavery International, Baha'i International Community, Centre Europe-Tiers Monde (CETIM), Commission of the Churches on International Affairs of the World Council of Churches, International Federation of Human Rights Leagues, International League for the Rights and Liberation of Peoples, International Movement against All Forms of Discrimination and Racism (IMADR), International Organization for the Development of Freedom of Education (OIDEL), International Peace Bureau, International Service for Human Rights, International Work Group for Indigenous Affairs (IWGIA), International Young Catholic Students,

Minority Rights Group, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), Programme national de prevention de lutte et d'assistance humanitaire aux victimes des catastrophes naturelles (Pronaplucan), Publication and Coordination Centre of Islamic Ideology and Sufi-ism, Shimin Gaikou Centre, Society for Threatened Peoples, Survival International Limited, World University Service, World Wide Fund for Nature International.

The following indigenous peoples' organizations and nations, as well as other organizations and groups, were represented at the eighteenth session and provided information to the Working Group with its consent:

Acmabu (Indigenous Women's Association of the Low Urubamba), Action Group for Native Americans & Human Rights, Adivasi-Koordination, Germany, Adivasi Socio Education and Cultural, African Indigenous and Minority Peoples Organization (AIMPO), Agencia Internacional de Prensa Indigena (AIPIN), Ainu Association of Reva, Akposo Community, Ghana, Alexis Nakoda Nation, Alifuru People, Altay People's Kurltay, American Indian Law Alliance, Amicale des Khmers du Kampuchea Krom à l'Etranger (AKKKE), Ancap -Tamaynut, Arravalli Adivasi Adarsha Kheti Vikas Mandal (AAAKM), Asamblea de Autoridades Zapotecas y Chinantecas de la Sierra (AZACHIS), Asia Indigenous Peoples Pact, Asociacion de Cabildos Indigenas de Tolima, Asociacion de Comunidades Indigenas de la Amazonia para el Desarrollo, Peru, Asociacion Nacional Indigena Plural por la Autonomia (ANIPA), Assembly of First Nations, Association de Soutien aux Nations Anerindiennes (ASNA), Association des Chantiers Assaiss d'Echange Educatif et Culturel, Association des Koriaks de Polana, Association du Peuple Chor, Association Nationale des Peuples Autochtones Pygmées, Association of Indigenous Peoples in the Ryukyus (AIPR), Association of Norfolk Islanders, Association of the Crimean Karai "Krimkarailar", Association pour la Promotion des Batwa, Association pour la Promotion des Batwa (APB)/Femmes Masnabamdi, Association Sahel, Solidarité Action, Association Tevel, Association Tunfa, Assyrien Universal Alliance, Australian Indigenous Doctors Association (AIDA), Batwa People, Bawm Indigenous People's Organization, Borok People of Tripura/Twipra, Canadian Friends Service Committee, Canadian Indigenous Women's Resource Institute, Centre for Human Ecology Studies of Highlands (CHESH), Centre for Progress of Manipuri People (CPMP), Centro de Investigación y Capacitación Indigena, Centre UNESCO de Catalunya, Cherokee Nation, Chin Human Rights Organization, Chittagong Hill Tracts Hill People's Council, Chittagong Hill Tracts Hill Students' Council, Chotanagpur Adivasi Sewa Samiti, Chukchi People, Comité de Solidarité avec les Indiens d'Amérique (CSIA), Comité Extérieur d'Appui au Conseil Indien d'Amérique du Sud, Comite Intertribal - Memoria e Ciencia Indigena, Comité Suisse de Soutien aux Chagossiens, Commission Amazighe Internationale pour le Développement et les Droits de l'Homme, Comisión Juridica para el Autodesarrollo de los Pueblos Originarios Andinos (CAPAJ), Commonwealth Association of Indigenous Peoples, Communauté des Autochtones Rwandais, Confederación de Nacionalidades Amazónicas del Perú (CONAP), Confederación de Pueblos y Organizaciones Indigenas Evangélicas del Ecuador "FEINE", Confederación Indigena Tayrona (CIT), Consejo de Organizaciones Tukum Umam, Consejo de todas las Tierras, Consejo Nacional de Ayllus y Markas del Qullasuyu (CONAMAQ), Consultative Committee of Finno-Ugric Peoples, Coordinadora de la Frontera-Mapuche, Chile, Cordillera Peoples Alliance, Council Association of the Shor People, Cultura de Solidaridad Afroindigena, Dagvi, Sami Youth Council, Dupoto-e-Maa, Eastern Door, Ecospirituality Foundation, Elders Council of the Shor People,

Equipo Mapuche de Comunicación, Ethnie Cumanagota, Venezuela, Fédération des Organisations Amérindiennes de Guyane, First Indigenous Peoples Forum in Namibia, First Nations Development Institute, Fonds Mondial pour la Sauvegarde des Cultures Autochtones, Foundation for Aboriginal and Islander Research Action (FAIRA), Foundation for International Human Development & Environmental Studies, Friends of Peoples close to Nature, Fundacao Arapora, Fundación Naupaman de Jatun Pacha Producciones, Fundación Pau I Solidaritat, Fundación S.O.S. Planeta Tierra, Goolburri Aboriginal Corporation Land Council, Gundjehmi Aboriginal Corporation, Hadza People, Haudenosaunee Six Nations of Iroquois Confederacy, Hawaii Institute of Human Rights, Hill Women's Federation, Hmong International Human Rights Watch, Hojas de Hierba, Human Rights International Alliance, Ijaw Youths Link Project, Incomindios, Indian Confederation of Indigenous and Tribal Peoples, Indigenous Council in the Netherlands, Indigenous Dialogues, Indigenous Peoples and Nations Coalition, Indigenous Peoples of Africa Coordinating Committee (IPACC), Inkarri, Instituto de Estudios de las Tradiciones Sagradas de Abia Yala (IETSAY), Instituto Nacional Indigenista, Intertribal Committee, Interior Alliance, International Commission for the Rights of Aboriginal People, Jumma Peoples Link, Ka Lahui Hawai'i, Kalasha Indigenous Group of Pakistan, Khoekhoegowas Curriculum Committee, Khoi Khoi Tribe, Komi People Congress, Kuki Indigenous People (KIP), Kwia-Groupe d'Appui pour les Peuples Indigènes, Lakota Nation, Land is Life, Lao Human Rights Council, Las Cuatro Flechas, Leonard Pelletier Defense Committee, Liga Agraria Regional de Arequipa, Literacy Association of Solomon Islands, Loodariak Community Land and Development Programme, Lumad Mindanaw Peoples Federation, Mabui, Mainyoito Pastoralists, Maluku Tabakar, Maori Legal Service, Maori Youth Delegation, Mboscuda, Mejlis of Crimean Tatar People, Mena Muria Foundation, Metis Nation of Alberta, Mi'Kmaq Nation, Mondari Tribe, Mouvement Culturel Berbère, Movimiento de la Juventud Kuna, Movimiento Revolucionario Tupaq Katari de Liberación, Mugarik Gabe, Na Koa Ikaika O Ka Lahui Hawaii, Naga Peoples Movement for Human Rights, Narok Country Council, National Khoisan Council, National Secretariat of Torres Strait Islander Organisations Limited (NSTSIOL), Native American Rights Fund, Native Law Centre of Canada, Nepal Indigenous Peoples Development and Information Service Centre, Netherlands Centre for Indigenous Peoples, Ngatira Lands Trust, Northern Ryukyu Federation, Norway House Cree Nation, Nyae Nyae Conservancy, Ogiek Rural Integral Projects (ORIP)/Ogiek Welfare Association, Organización de los Pueblos Indígenas de la Amazonia Colombiana (OPIAC), Organización de Mujeres Aymaras del Lollasuyo, Organización OTM los Niños Mayas de Guatemala, Organisation for Survival of Il-Laikipiak - Indigenous Maasai Group Initiatives (OSILIGI), Pagkakaisa NG Aeta NG Pinatubo, Inc., Palestinian Society for the Protection of Human Rights and the Environment, Parbatya Chattagram Jana Samhati Samiti, Pattimura Universitas Poka Ambon, Philippine Indigenous Peoples Links, Pokot Indigenous Community, Programme de Développement du Peuple Pygmée, Programme d'Intégration et de Développement du Peuple Pygmée au Kivu, Rapa Nui A.P.I., Rehab Hope Fund, Inc., Rehoboth Baster, Rio Negro Komitee, Rosebud Sioux Tribe, Russian Association of Indigenous Peoples of the North (RAIPON), Saboat Community, Saddle Lake First Nation, Sagesse et Fraternité Amérindienne, Sandama Women Empowerment Union, Secretariat of National Aboriginal and Islander Child Care (SNAICC), Sengwer Cherangany, Sengwer Indigenous Development Project, Simba Maasai Outreach Organization (SIMOO), Solidarité avec les Peuples Autochtones d'Amérique (Nord, Centre et Sud) (SOPAM), Sovereign Union of First Nations Peoples of Australia, Sudan Survival Fund for Peoples in Crisis, Survie Touaregue-Temoust, Taller de Historia Oral Andina, Teton Sioux Nation Treaty Council, Tetrem Rural Community

Agricultural Farmers and Craft Development Association, The Association of the Kumandin, The Institute for Human Rights Students, The Institute of Problem of Northern Indigenous Peoples of Sakha Republic, The Parakuiyo Community, The Revolutionary Committee Movement, The Wisdom Council, Tidawt-Vivre Ensemble et Autrement, Tin Hinan, Tomwo Integrated Pastoralists Development Initiatives, Torres Strait Regional Authority, Traditions pour Demain, Tribal Welfare Society, Unesco Etxea, Unissons-Nous pour la Promotion des Batwa (UNIPROBA), United Farmers Association, United Keetouwah Band of Cherokee Indians of Oklahoma, Wah-Koh-to-Win Child Care Society, Watu Accion Indigena, Wellington Maori Legal Service, Working Circle Indians Today - Germany, Working Group of Indigenous Minorities in Southern Africa (WIMSA), World Adivasi Council (WAC), World Sindhi Congress, Yachai Wasi, Zo-Reunification Organisation (ZORO).

In addition to the above-mentioned participants, a number of individual scholars, human rights experts, human rights defenders and observers attended the meetings:

Centre de Conseils et d'Appuis pour les Jeunes en Matière de Droits de l'Homme, Centre for Organization Research and Education (CORE), Centre de Recherches sur l'Amérique Latine (CRAL), Fédération Internationale des Professeurs de Langues Vivantes, Florida International University, Forest Peoples Programme, Friends of the Peoples, Government of Basque Country, Group of Research on Indigenous People, Human Rights Alliance Institut des Hautes Etudes Internationales, Genève, Institute of Ecology and Action-Anthropology (INFOE), Keele University, King's College, Cambridge, Mandat International, Marco Vinci Research, Ohio State University, Programme de Recherche Ethnohistorique sur le Groenland, l'Amérique du Nord et le Mexique, Rainey Collins Wright & Co., St Thomas University School of Law, Technical University of Berlin, Université de Tours, Université de Berne, University of Hawai'i, Université de Neuchatel, Université de Paris, Université de Picardie, University of Amsterdam, University of Bilbao, University of California, University of Copenhagen, University of Ghana, University of Giessen, University of Kent at Canterbury, University of Padua, University of Tromso, University of Valencia, University of Western Australia.

Annex II

LIST OF DOCUMENTS

The following documents were prepared for the eighteenth session of the Working Group on Indigenous Populations:

Agenda (E/CN.4/Sub.2/AC.4/2000/1);

Annotations to the provisional agenda (E/CN.4/Sub.2/AC.4/2000/1/Add.1);

Note by the secretariat on the review of developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous people. Principal theme: Indigenous children and youth. (E/CN.4/Sub.2/AC.4/2000/2);

Note by the secretariat on the International Decade of the World's Indigenous People: Voluntary Fund for the International Decade of the World's Indigenous People and report of the Advisory Group (E/CN.4/Sub.2/AC.4/2000/3),

Note by the secretariat on the Voluntary Fund for Indigenous Populations (E/CN.4/Sub.2/AC.4/2000/4);

Information received from indigenous organizations on item 6 (E/CN.4/Sub.2/AC.4/2000/5).

The following background documents were made available to the Working Group:

Report of the working group established in accordance with Commission on Human Rights resolution 1995/32 (E/CN.4/2000/84);

Report of the United Nations High Commissioner for Human Rights on implementation of the Programme of Activities for the International Decade of the World's Indigenous People (E/CN.4/2000/85);

Report of the ad hoc working group on a permanent forum for indigenous people within the United Nations system (E/CN.4/2000/86);

Second progress report on the working paper on indigenous peoples and their relationship to land (E/CN.4/Sub.2/1999/18);

Final report on the study on treaties, agreements and other constructive arrangements between States and indigenous populations (E/CN.4/Sub.2/1999/20);

Report of the seminar on "Multiculturalism in Africa: Peaceful and Constructive Group Accommodation in Situations involving Minorities and Indigenous Peoples", held in Arusha, United Republic of Tanzania, 13-15 May 2000 (E/CN.4/Sub.2/AC.5/2000/WP.3);

Report of the Secretary-General on the Programme of Activities of the International Decade of the World's Indigenous People (A/54/48 and Add.1);

Resolution of the Commission on Human Rights on the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People (2000/56);

Resolution of the Commission on Human Rights on the working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994 (2000/57);

Resolution of the Commission on Human Rights on the establishment of a permanent forum on indigenous issues (2000/87).

Annex III*

I. JOINT STATEMENT OF THE INDIGENOUS YOUTH AT THE WORKING GROUP ON INDIGENOUS POPULATIONS UNDER AGENDA ITEM 4

Taking into account that this Working Group on Indigenous Populations, 24-28 July 2000, has as its principal theme "Indigenous Youth and Children", and;

Understanding that we would like to show our respect and thanksgiving to all the efforts and achievements of our elders which have brought us here, and;

We, as Indigenous Youth are now determined to continue this work for future generations.

We endorse the recommendations put forth by the Workshop on Indigenous Youth and Children, and the Indigenous Caucus of the Working Group, in particular the recommendation calling for full participation of Indigenous Youth at all levels.

We recognize that there are individuals that have maintained their commitment and support for Indigenous Peoples, such as Madame Daes, the Secretary Julian Burger, and others within the United Nations. Furthermore, we recognize United Nations agencies and bodies that have created mechanisms for the inclusion and participation of Indigenous Youth such as the United Nations Indigenous Fellowship Programme.

We also wish to take the opportunity to pay special recognition for the elders and leadership that has brought us this far on our journey for the struggles of Indigenous Peoples. We acknowledge their strength, wisdom and expertise that continues to guide us towards the future. We would not be here in this forum without their courage to stand for their rights.

However, in spite of the many achievements for Indigenous Peoples, it is clear from the interventions this morning that there is still a long way to go for the Indigenous Youth. We maintain that our relationship to the land is fundamental to our health, well-being and survival. We still suffer from racism and discrimination, systematic and internal oppression, extreme poverty, suicide, sexual exploitation, loss of culture, language and identity. We are witnessing the depression of our colleagues, the disintegration of our rights, the passing away of our elders. In this context it is difficult to cultivate hope.

We recognize the common issues that effect us as Indigenous Peoples globally and acknowledge the work of existing Indigenous Youth in developing youth led movements, organizations, communications and working alliances in this spirit of solidarity.

Therefore, we as Indigenous Youth participants of the eighteenth session of the Working Group on Indigenous Populations, have joined our voices in to state the recommendations:

1. The broadening to criteria for the United Nations Voluntary Fund for Indigenous Peoples and other funding agencies to take into account youth above and not at the expense of other participants for determining support and participation in the United Nations activities.

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* The annex is circulated as received by the secretariat, in English only.

2. We urge United Nations agencies, Governments and NGOs to ensure the support for Indigenous Youth participation through financial and technical assistance for the United Nations activities held at the regional and international levels.

3. We call for the support of existing Indigenous Youth-led Networks and Organizations such as a World Indigenous Youth Conference.

4. We call upon the Nation-States that have not ratified the Convention on the Rights of the Child to do so without further delay and strongly urge the application and monitoring by Governments and agencies, in particular under articles 17, 24, 30 and support for the Braga Youth Action Plan.

5. We strongly urge the adoption of the United Nations Draft Declaration on the rights of indigenous peoples, in its current text without further delay.

6. We call upon the implementation of the Permanent Forum of Indigenous Issues with the full participation of indigenous peoples at all levels of development and implementation.

II. RESOLUTION OF THE FIRST INTERNATIONAL NGO WORKSHOP ON INDIGENOUS CHILDREN AND YOUTH

(Geneva, 19-21 July 2000)

Preamble

Whereas representatives of Indigenous Peoples from throughout the world have gathered at Geneva, Switzerland on 19-21 July 2000 for the First International Workshop on Indigenous Children and Youth, and

Recognizing the contribution of Dr. Cynthia Price Cohen of Child Rights International Research Institute in collaboration with Defence for Children International and the NGO Group for the Convention on the Rights of the Child in organizing this Workshop, and

Appreciating the assistance of Mrs. Erica-Irene Daes, Chairperson-Rapporteur for the Working Group on Indigenous Populations and Mr. Wilton Littlechild in chairing the Workshop, as well as the Workshop presenters, and

Recognizing the value of this Workshop in exchanging ideas, experiences, and needs and the importance of the dissemination of knowledge with respect to Indigenous Children and Youth, and

Believing that this Workshop is and should be a first step in addressing the critical need for our children and youth to rise out of poverty, improve their health, education, environment and family security, and to live within a governmental system which is responsive to their needs, and

Encouraging the creation of additional regional meetings, conferences or workshops concerning Indigenous Children and Youth, and

It is therefore resolved that the participants in this First Workshop support the continuation of this Workshop on Indigenous Children and Youth prior to the annual meeting of the Working Group on Indigenous Populations, and

Resolved: that participants in this First Workshop call upon the Commission on Human Rights to endorse and support the continuation of this Workshop with a view towards addressing the specific needs of Indigenous Children and Youth both within and outside of their home communities, and

Resolved: that future Workshops include to the greatest extent possible full participation by Indigenous Peoples, Children and Youth, and

Resolved: that the United Nations Voluntary Fund and other funding agencies or bodies commit to supporting Indigenous Children and Youth delegates to the annual Workshop, as well as other United Nations sponsored functions and events which may impact Indigenous Peoples, and

Finally, resolved: that there be established a Workshop Coordinating Committee comprised of Indigenous Peoples, Children and Youth as well as United Nations experts and others.